

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FERRING PHARMACEUTICALS INC.,  
FERRING B.V., and  
FERRING INTERNATIONAL CENTER S.A.,

Plaintiffs,

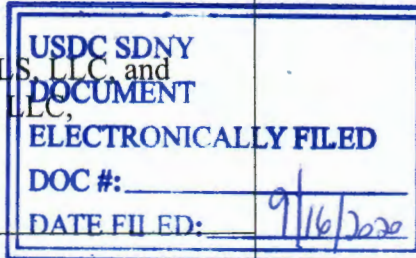
v.

SERENITY PHARMACEUTICALS, LLC and  
REPRISE BIOPHARACEUTICS, LLC,

Defendants.

Case No. 1:17-cv-09922 (CM)(SA)

ECF Case



SERENITY PHARMACEUTICALS, LLC, and  
REPRISE BIOPHARACEUTICS, LLC

Counterclaim-Plaintiffs,

v.

FERRING PHARMACEUTICALS INC.,  
FERRING B.V., and  
FERRING INTERNATIONAL CENTER S.A.,

Counterclaim-Defendants.

Case No. 1:17-cv-09922 (CM)(SA)

ECF Case

MEMO ENDORSED

COUNTERCLAIMANTS' MOTION TO  
ALTER OR AMEND THE JUDGMENT UNDER F.R.C.P. 59(e)

If anyone  
thinks the judgment  
needs to be amended,  
submit anyway.

I refuse to  
"pretend" that  
there is a valid  
patent &  
infringe and  
make  
findings as  
to where I am  
wrong. In fact, I am  
done making  
findings.

- ① There is no need for the court to reach the issue of obviousness because I have already invalidated the patent on other grounds. I have adjudicated every "claim" - I have invalidated the patents. They are no longer valid patents. Nothing requires me to decide whether an invalid patent is invalid on every asserted ground.
- ② You cannot infringe an invalid patent. There is nothing to infringe. I would think that was obvious.

Alan J. McNeil

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law dated September 15, 2020, Counterclaimants Serenity Pharmaceuticals, LLC and Reprise Biopharmaceutics, LLC's (collectively, "Counterclaimants"), by and through their undersigned counsel, will move this Court, before the Honorable Colleen McMahon, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, at a time of the Court's convenience, for an order granting Counterclaimants' Motion to Alter or Amend the Judgment Under F.R.C.P. 59(e). (*See* D.I. 705.)

Dated: September 15, 2020

Respectfully submitted,

/s/ Paul J. Skiermont

Paul J. Skiermont

Admitted *pro hac vice*

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*Biopharmaceutics, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2020, the foregoing document was filed electronically through the Court's Electronic Case Filing System. Service of this document is being made upon all counsel of record in this case by the Notice of Electronic Filing issued through the Court's Electronic Case Filing System on this date.

By: /s/ Paul J. Skiermont